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SIPDIS

DEPARTMENT FOR NEA/ELA, AF/SPG

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SUBJECT: ARAB LEAGUE FOCUSING ON ICC CASE, OUT OF THE LOOP
ON QATARI INITIATIVE

REF: CAIRO 1603

Classified By: Minister Counselor for Economic and Political Affairs
William R. Stewart for reasons 1.4 (b) and (d).

11. (C) Summary: The Arab League (AL) SYG's advisor on African Affairs recently returned from The Hague, where he discussed the ICC indictment against Sudanese President Bashir. The AL feels it is important to enact Article 16 of the Rome Statue, before the ICC judges reach a decision, to preserve the progress being made in Sudan. AL SYG Moussa is sending a special legal advisor, and team of "legal experts," to Sudan to monitor implementation of the AL solution package. The advisor also told us that the AL is concerned that the Qataris are not coordinating on the Darfur initiative. He said that this could be a tactical move to dispel the notion that the AL is biased toward the Government of Sudan (GOS). However, he said that the AL is not happy with the lack of communication. End Summary.

12. (C) Zeid al-Sabban, advisor to the AL SYG on African Affairs, told us on December 1 that he had just returned from a visit to the International Criminal Court (ICC) in The Hague. Al Sabban told us that during the visit he discussed the ICC case against Sudanese President Bashir with the "harsh" chief prosecutor's office. He described the case against Bashir as "well-built," and said that the AL believes it is important that the UNSC enact Article 16 of the Rome Statue, postponing the indictment against Bashir, before the judges render a decision. Al Sabban said this was necessary to preserve and continue the progress being made in Sudan. He pointed to the arrest of Janjawid leader Ali Khushayb, the presentation of a draft law that criminalizes genocide, crimes against humanity, and war crimes, and the establishment of three special criminal courts as steps forward on the legal track to end impunity. However, Al Sabban admitted that the case of the Minister of State for Humanitarian Affairs Ahmed Haroun was still problematic.

13. (C) Al Sabban said that AL SYG Amr Moussa was sending a special legal advisor, Radwan Abdel Kader, and a group of "legal experts" to Sudan to monitor the Government of Sudan's (GOS) implementation of the AL's Solution Package (reftel). He said that the group would be in the country from December 1-5, and he hoped that the GOS would cooperate with them.

14. (C) Al Sabban told us he was "not sure" where the Qatari initiative stands. He is "frustrated with the lack of coordination" by the Qataris on the initiative. Al Sabban stated that the AL had built a "reasonable approach" to resolving the situation in Darfur and it should be involved in the preparation for the Doha talks. He said the little information that he is receiving on the initiative is coming from Darfuri rebel leaders and not the Qataris. Al Sabban

said that African Union (AU) Commissioner for Peace and Security Lamamra complained to him that the Qataris were not engaging the AU, and the AU would like to be more involved in the initiative. Al Sabban hypothesized that the Qataris may be acting in such a manner to counter the perception among some Darfuris that the "AL is biased toward the GOS, the AU is bribed and the UN is ineffective." However, he was not happy with being left out of the information flow. Al Sabban added that AU SYG Ping and Lamamra would be in Cairo for coordination meetings with the AL beginning on December 3.

15. (C) Comment: Al Sabban is focusing all of his efforts on the legal issues in Sudan. The AL is concerned that if the ICC judges issue an indictment of Bashir then there is no way for an Article 16 to succeed, and the Solution Package and Qatari Initiatives will unravel. Thus, Al Sabban has also met with French and British diplomats to stress this point. There is also considerable angst that the Government of Qatar appears to be going it alone and the AL feels jilted (see septel for the Government of Egypt's views on Qatari involvement).
SCOBAY